

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Jorge L. Acosta et al.**

Serial No.:

Filed: Herewith

For: **COMBINED DATA READER AND  
ELECTRONIC ARTICLE SURVEILLANCE  
(EAS) SYSTEM**

)  
) Group Art Unit:

)  
) Examiner: Not Yet Assigned  
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INFORMATION DISCLOSURE STATEMENT

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure, documents listed on the accompanying Form PTO-1449 (or equivalent) are presented for the Examiner's consideration.

Copies of listed U.S. patent documents are omitted because this application was filed after June 30, 2003 and, thus is subject to image file wrapper processing.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated.

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

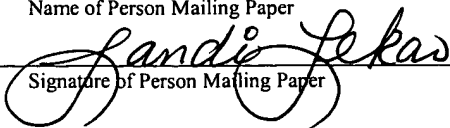
April 14, 2004

Date of Deposit

PortInd2-4469357.1 0051306-00805

Sandi Lekar

Name of Person Mailing Paper

  
Signature of Person Mailing Paper

# EXPLANATION OF DATES OF PUBLICATION

A portion of Form PTO-1449 is reproduced below with explanation on each of the items as to the dates of publication.

EA	Brochure: Mettler Toledo 8217AS Adaptive Scale (1996) **SINCE THIS DATE/YEAR IS PRIOR TO THE 2/1/2002 EARLIEST PRIORITY DATE OF THE PRESENT APPLICATION, THE MONTH IS NOT NEEDED **
EB	Brochure: Magellan SL™ 360-Degree Scanner/Scale, PSC Inc. (02/2000)
EC	Brochure: Sensormatic ScanMax™/SlimPad™ Electronic Article Surveillance Deactivator, Sensormatic Electronics Corporation (07/1999)
ED	Brochure: Sensormatic SlimPad™ Pro Ultra-Max™ Label Deactivator, Sensormatic Electronics Corporation (2002) Downloaded from <a href="http://www.sensormatic.com/EAS/deactivation/slimpad.asp">http://www.sensormatic.com/EAS/deactivation/slimpad.asp</a> , visited 7/29/2003
EE	Brochure: Sensormatic ScanMax™ HS Pro Ultra-Max® Scanner-Embedded Label Deactivator, Sensormatic Electronics Corporation (2002) <a href="http://www.sensormatic.com/EAS/deactivation/slimpad.asp">http://www.sensormatic.com/EAS/deactivation/slimpad.asp</a> , visited 7/29/2003
EF	Brochure: Mettler Toledo 8217AS Scanner Scale (2003) from <a href="http://www.mt.com/mt/product_detail/product.jsp?m=t&amp;key=Y3MDg4NjM1Mj">http://www.mt.com/mt/product_detail/product.jsp?m=t&amp;key=Y3MDg4NjM1Mj</a> visited 8/28/2003
EG	Installation Guide for Sensormatic Acousto-Link™ Option for Ultra-Max Deactivators, Sensormatic Electronics Corporation (2000) **SINCE THIS DATE IS PRIOR TO THE 2/1/2002 EARLIEST PRIORITY DATE OF THE PRESENT APPLICATION, THE MONTH IS NOT NEEDED **
EH	Sensormatic 2001 Product Catalog, pgs. 117-119, 139-145, Sensormatic Electronics Corporation (06/2001)
EI	Transponder News, 8/14/2003, <a href="http://www.rapidtpt.com/transponder/index.html">http://www.rapidtpt.com/transponder/index.html</a> , visited 8/20/2003
EJ	Spectra-Physics VS1000 and VS1200 Scanner Level 1 Service Manual, pages 4-31 through 4-32 (12/1994)
EK	PSC Scanning, Inc. Magellan SL Scanner and Scanner/Scale Installation and Operation Manual, pgs. 1-3 through 1-6 and 2-23 through 2-26 (2001) **SINCE THIS DATE IS PRIOR TO THE 2/1/2002 EARLIEST PRIORITY DATE OF THE PRESENT APPLICATION, THE MONTH IS NOT NEEDED **

## Additional Information Regarding Certain of the Cited Items

Items EA Brochure: Mettler Toledo 8217AS Adaptive Scale (1996)

This document refers to the Spectra-Physics Model HS1250 scanner which included an integrated wire antenna loop in the form of a U-shaped PCB for EAS deactivation. The wire loop in the HS 1250 is similar to the wire loop in the VS1000 Scanner configuration of Item EJ.

Item EB Brochure: Magellan SL™ 360-Degree Scanner/Scale, PSC Inc. (2000)

Item EK PSC Scanning, Inc. Magellan SL Scanner and Scanner/Scale Installation and Operation Manual

Both the manual of Item EK and the brochure of Item EB refer to the Magellan SL Scanner/Scale which included a wire loop for EAS deactivation. The device is further described in the background of the present application.

Item EF Brochure: Mettler Toledo 8217AS Scanner Scale (2003)

This brochure refers to the Mettler Toledo 8217 AS scanner scale. The brochure includes the three photographs attached thereto; on the web page these three photographs cycle, one after the other, at the photograph position at the bottom of page 1 of the document.

Item EG Installation Guide for Sensormatic Acousto-Link™ Option for Ultra-Max Deactivators, Sensormatic Electronics Corporation (2000)

This document refers to the Sensormatic Acousto-Link™ device described further in the Canipe 6,281,796 patent (Item BK) cited in the present IDS.

Item EH Sensormatic 2001 Product Catalog, pgs. 117-119, 139-145, Sensormatic Electronics Corporation (2001)

The excerpts from the product catalog show various EAS deactivators offered by Sensormatic Electronics Corporation. Particular attention is directed to the ScanMax™ IP configuration shown on page 141.

Item EI Transponder News, 8/14/2003, <http://www.rapidttp.com/transponder/index.html>, visited 8/20/2003

This website provides miscellaneous background information on EAS tag deactivation. Only copies of the front page(s) are provided.

Item EJ      Spectra-Physics VS1000 and VS1200 Scanner Level 1 Service Manual, pages 4-31 through 4-32 (12/1994)

The VS1000 and VS1200 scanner described in this document included an integrated wire antenna loop in the form of a U-shaped PCB for EAS deactivation (see page 4-32). The EAS antenna cable (shown at page 4-32) was connected to the EAS system, the EAS system being a separate system from the scanner. Upon receiving a "good read" signal from the scanner via another cable connected to a separate port on the scanner, the EAS system would send a deactivation pulse to the antenna, via the antenna cable.

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A

statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.
- ☐ Applicant sets forth below concise explanation of the relevance of each document not in the English language and/or selected documents(s) in the English language.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- ☐ Please charge PSC's Deposit Account No. 13-4953 for the above fee(s).
- ☒ The Commissioner is authorized to charge PSC's Deposit Account No. 13-4953 for any additional fees which may be required.<sup>1</sup>

Respectfully submitted,

Dated: April 14, 2004

By: John A. Rafter, Jr.  
John A. Rafter, Jr.  
Reg. No. 31,653  
Attorney/Agent for PSC Scanning, Inc.

33451  
STOEL RIVES LLP  
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(503) 224-3380

<sup>1</sup> The Commissioner is authorized to charge Stoel Rives LLP's Deposit Account No. 19-4455 if the above-referenced Account No. 13-4953 has insufficient funds.

Respectfully submitted,

Dated: April \_\_\_\_\_, 2004

By: 

Daniel N. Daisak

Reg. No. 39,160

Attorney/Agent for Sensormatic Electronics Corporation

LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT

APPLICANT:

Jorge L. Acosta et al.

FILING DATE:

GROUP:

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	4,141,078	2/1979	Bridges, Jr. et al.	364	900	
	AB	4,575,624	3/1986	Klinkhardt	235	449	
	AC	4,652,863	3/1987	Hultman	340	551	
	AD	4,745,401	5/1988	Montean	340	572	
	AE	4,752,758	6/1988	Helternes	335	284	
	AF	4,960,651	10/1990	Pettigrew et al.	428	607	
	AG	5,059,951	10/1991	Kaltner	340	572	
	AH	5,103,235	4/1992	Clemens	343	742	
	AI	5,142,292	8/1992	Chang	343	742	
	AJ	5,210,524	5/1993	Schwarz et al.	340	551	
	AK	5,225,807	7/1993	Zhou et al.	340	551	
	AL	5,341,125	8/1994	Plonsky et al.	340	572	
	AM	5,376,923	12/1994	Kindschy	340	572	
	AN	5,377,269	12/1994	Heptig et al.	380	25	
	AO	5,410,108	4/1995	Williams et al.	177	25.15	
	AP	5,587,703	12/1996	Dumont	340	572	
	AQ	5,635,906	6/1997	Joseph	340	572	
	AR	5,837,988	11/1998	Bobba et al.	235	467	
	AS	5,841,348	11/1998	Herzer	340	551	
	AT	5,917,412	6/1999	Martin	340	572.3	
	AU	5,939,984	8/1999	Brady et al.	340	572.1	
	AV	5,955,951	9/1999	Wischerop e al.	340	572.8	
	AW	5,963,134	10/1999	Bowers et al.	340	572.1	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant

<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  <b>(Use several sheets if necessary)</b>	<b>ATTY. DOCKET NO.</b> 51306/805:1	<b>SERIAL NO.</b>
	<b>APPLICANT:</b> Jorge L. Acosta et al.	
	<b>FILING DATE:</b>	<b>GROUP:</b>

	AX	5,978,772	11/1999	Mold	705	16	
	AY	5,990,794	11/1999	Alicot et al.	340	573.1	
	AZ	6,025,780	2/2000	Bowers et al.	340	572.3	
	BA	6,102,290	8/2000	Swartz et al.	235	462.01	
	BB	6,114,961	9/2000	Denholm et al.	340	572.3	
	BC	6,121,878	9/2000	Brady et al.	340	572.1	
	BD	6,154,135	11/2000	Kane et al.	340	572	
	BE	6,154,137	11/2000	Goff et al.	340	572.4	
	BF	6,169,483	1/2001	Ghaffari et al.	340	572.3	
	BG	6,206,285	3/2001	Baitz et al.	235	380	
	BH	6,208,235	3/2001	Trontelj	340	10.1	
	BI	6,237,852	5/2001	Svetal et al.	235	462.43	
	BJ	6,252,508	6/2001	Vega et al.	340	572.1	
	BK	6,281,796	8/2001	Canipe et al.	340	572.3	
	BL	6,299,702	10/2001	Herzer	148	108	
	BM	6,335,686	1/2002	Goff et al.	340	572.4	
	BN	6,346,884	2/2002	Uozumi et al.	340	572.1	3/23/2000
	BO	6,356,197	3/2002	Patterson et al.	340	572.1	4/3/2000
	BP	6,497,361	12/2002	Mason	235	383	10/15/1998
	BQ	6,499,656	12/2002	Marsh et al.	235	375	8/30/2000
	BR	6,507,279	1/2003	Loof	340	572.1	
	BS	6,517,000	2/2003	McAllister et al.	235	462.01	5/3/1999
	BT	6,592,037	7/2003	Clancy	235	462.13	
	BU	6,595,421	7/2003	Detwiler	235	462.14	1/31/2001

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	<b>APPLICANT:</b> Jorge L. Acosta et al.	
	<b>FILING DATE:</b>	<b>GROUP:</b>

	BV	2003/0075602 A1	4/2003	Wike, Jr. et al.	235	383	10/23/2001
	BW	2003/0135417 A1	7/2003	Bodin	705	16	1/15/2002
	BX	2003/0146278 A1	8/2003	Collins, Jr. et al.	235	383	2/1/2002
	BY	2003/0197611	10/2003	Clifford et al.	340	572.1	
	BZ	2003/0209600	11/2003	Collins, Jr. et al.	235	383	5/10/2002
	CA	2004/0000591	1/2004	Collins, Jr. et al.	235	462.14	6/28/2002

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
	DA	0 329 402 B1	12/1994	EP	G01R	33/20		
	DB	WO 00/67193	11/2000	PCT	G06K	7/10		
	DC	EP 1 098 276 A2	5/2001	EP	G07G	1/00		
	DD	EP 1 335 336 A2	8/2003	EP	G07G	1/00		

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
	EA	Brochure: Mettler Toledo 8217AS Adaptive Scale (1996)
	EB	Brochure: Magellan SL™ 360-Degree Scanner/Scale, PSC Inc. (02/2000)
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	EE	Brochure: Sensormatic ScanMax™ HS Pro Ultra-Max® Scanner-Embedded Label Deactivator, Sensormatic Electronics Corporation (2002) <a href="http://www.sensormatic.com/EAS/deactivation/slimpad.asp">http://www.sensormatic.com/EAS/deactivation/slimpad.asp</a> , visited 7/29/2003
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	EI	Transponder News, 8/14/2003, <a href="http://www.rapidtp.com/transponder/index.html">http://www.rapidtp.com/transponder/index.html</a> , visited 8/20/2003
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